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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/735,391	12/11/2003	Wendy Y. Carter	324-004	1714
33354 7590 05/13/2009 ETHERTON LAW GROUP, LLC 2010 E. University Drive, Suite 25 Tempe, AZ 85281				
EXAMINER SAADAT, CAMERON				
ART UNIT		PAPER NUMBER		
3715				
MAIL DATE		DELIVERY MODE		
05/13/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/735,391

Applicant(s)

CARTER, WENDY Y.

Examiner

CAMERON SAADAT

Art Unit

3715

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 10 August 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-45 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-45 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

In response to amendment filed 8/10/2009, claims 1-45 are pending.

Response to Amendment

The amendment filed on 8/10/2007 under 37 CFR 1.131 has been considered but is ineffective to overcome the reference because evidence submitted does not support the scope of every claim limitation.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claim(s) 1-42 are rejected under 35 USC 101 as being directed to non-statutory subject matter because these are method or process claims that do not transform underlying subject matter (such as an article or materials) to a different state or thing, nor are they tied to another statutory class (such as a particular machine). See Diamond v. Diehr, 450 U.S. 175, 184 (1981) (quoting Benson, 409 U.S. at 70); Parker v. Flook, 437 U.S. 584, 588 n.9 (1978) (citing Cochrane v. Deener, 94 U.S. 780, 787-88 (1876)). See also In re Bilski (Fed Cir. 2007-1130, 10/30/2008) where the Fed. Cir. held that method claims must pass the "machine-or-transformation test" in order to be eligible for patent protection under 35 USC 101. The claimed method for assisting an author to complete a writing project, lacks the machine-or-transformation test.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 1-4, 7-12, 19-22, 24-27, 29-35, 38-40, and 42-44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Corrie et al. (US 2002/0120538; hereinafter Corrie).

Regarding claim 1, Corrie discloses a method for assisting an author to complete a writing project of a given length, the method comprising: a) instructing the author about researching the topic; and b) instructing the author about writing about the topic. See ¶ 139, 145; Figs 2C-2F. Corrie does not explicitly disclose the step of calculating a completion pace for the writing project using dates and a length. However, the examiner takes official notice that the feature of time management is old and well known and therefore, it would have been obvious to one of ordinary skill in the art to provide time management with respect to a writing project, in order to set goals of completion.

Regarding claim 2, Corrie discloses a method wherein instructing the author about researching the topic further comprises: providing a research template (See ¶ 84) and providing research strategies. See ¶ 99, 139-140.

Regarding claim 3, Corrie discloses a method that provides access to an online community. See ¶ 64.

Regarding claim 4, Corrie discloses a method wherein the online community comprises at least one of an online advisor See ¶ 140 or an email newsletter See ¶ 100.

Regarding claim 7, Corrie discloses a method further comprising: calculating a completion pace for the writing project using a completion date specified by the author and the given length. See ¶ 84; 96; Fig 2I (See Milestones 152 that must be met by a due date).

Regarding claim 8, Corrie discloses a method further comprising calendaring the completion date. See ¶ 84 and 96.

Regarding claim 9, Corrie discloses a method further comprising: calculating a budget for the writing project using expenses estimated 104 by the author. See ¶ 84, Fig. 2F.

Regarding claim 10, Corrie discloses a method wherein the writing project is a thesis or dissertation and instructing the author about writing about the topic further comprises displaying instructions about depositing the writing project. See ¶ 99.

Regarding claim 11, Corrie discloses a method further comprising: providing access to an online research resource. See ¶ 145.

Regarding claim 12, Corrie discloses a method further comprising providing a journal of an application status. See Fig. 2H.

Regarding claim 19, Corrie discloses a method for assisting an author to complete a writing project, the method implemented on management system 30, which includes a computer having a processing unit a memory means, a display means, and an input means (See ¶ 55 and 58; Fig. 1) the method comprising the steps of displaying instructions about researching a topic; and displaying instructions about writing about the topic. See ¶ 139, 145; Figs 2C-2F.

Regarding claim 20, Corrie discloses a method wherein displaying instructions about researching the topic further comprises: displaying a research template (See ¶ 84 and displaying research strategies. See ¶ 99, 139-140.

Regarding claim 21, Corrie discloses a method wherein displaying instructions about writing about the topic further comprises: displaying instructions about choosing a topic for the writing project; and displaying instructions about writing a proposal. See ¶ 99, 139.

Regarding claim 22, Corrie discloses a method wherein the writing project has a given length, the method further comprising: calculating a completion pace using a completion date and the given length input by the author. See ¶ 84; 96; Fig 2I (See Milestones 152 that must be met by a due date).

Regarding claim 24, Corrie discloses a method further comprising: calculating a budget for the writing project using estimated expenses 104 input by the author. See ¶ 84, Fig. 2F.

Regarding claim 25, Corrie discloses a method wherein the writing project is a thesis or dissertation and displaying instructions about writing about the topic further comprises displaying instructions about depositing the writing project. See ¶ 99.

Regarding claim 26, Corrie discloses a method further comprising: providing access to an online community. See ¶ 64.

Regarding claim 27, Corrie discloses a method wherein the online community comprises at least one of: an online advisor See ¶ 140 or an email newsletter See ¶ 100.

Regarding claim 29, Corrie discloses a method further comprising providing a journal of an application status. See Fig. 2H.

Regarding claim 30, Corrie discloses a method for assisting an author to complete a writing project comprising: providing an instructing portion (See ¶ 139, 145; Figs 2C-2F); and providing an interactive portion. See ¶ 140.

Regarding claim 31, Corrie discloses a method wherein the providing an instructing portion further comprises: providing instructions for researching a writing project; and providing instructions for writing a writing project. See ¶ 99, 139.

Regarding claim 32 Corrie discloses a method wherein the instructions for researching a writing project comprise: providing a research template (See ¶ 84) and providing research strategies. See ¶ 99, 139-140.

Regarding claim 33 Corrie discloses a method wherein the instructions for writing a writing project comprise: providing instructions about choosing a topic for the writing project; providing instructions about writing a proposal; providing instructions about writing about the topic (See ¶ 99, 139-140); and providing instructions about calculating a completion pace using a completion date specified by the author and a length of the writing project specified by the author. See ¶ 84; 96; Fig 2I (See Milestones 152 that must be met by a due date).

Regarding claim 34, Corrie discloses a method further comprising: providing instructions about calculating a budget for the writing project using expenses estimated 104 by the author. See ¶ 84, Fig. 2F.

Regarding claim 35, Corrie discloses a method further comprising one or more of: providing instruction about completing one or more non-writing tasks and providing instruction about common writing mistakes that require revision. See ¶ 146.

Regarding claim 38, Corrie discloses a method wherein the providing an interactive portion further comprises: providing access to an online community. See ¶ 64.

Regarding claim 39, Corrie discloses a method wherein the online community comprises at least one of an online advisor See ¶ 140 or an email newsletter See ¶ 100.

Regarding claim 40, Corrie discloses a method further comprising: providing access to an online research resource. See ¶ 145.

Regarding claim 42 Corrie discloses a method further comprising providing a journal of an application status. See Fig. 2H.

Regarding claim 43, Corrie discloses an article of manufacture comprising: a computer-readable medium; and data stored in the computer readable medium (See ¶ 55 and 58; Fig. 1) for writing a writing project of a given length (See ¶ 99, 139-140); instructions for calculating a completion pace of the writing project from a completion date and the given length. See ¶ 84; 96; Fig 2I (See Milestones 152 that must be met by a due date).

Regarding claim 44, Corrie discloses an article of manufacture wherein the data stored in the computer readable medium further comprises means for calendaring the completion date. See ¶ 84; 96; Fig 2I (See Milestones 152 that must be met by a due date).

Claims 5-6, 28, 37, and 41, rejected under 35 U.S.C. 103(a) as being unpatentable over Corrie in view of Klipstein (US 2005/0027576 A1).

Regarding claims 5-6, 28, 37, and 41, Corrie discloses all of the claimed subject matter with the exception of explicitly disclosing the claimed step of motivating the author. Although Corrie describes the feature of awarding a grant to an author, it is not explicitly disclosed as a motivating factor. However, Klipstein teaches a method of providing cooperative research, wherein researchers are provided with various motivating factors for contributing a winning solution, wherein motivators include peer recognition, continued research funding, and profit

(See Klipstein, ¶ 25), in order to promote researchers to share information with on another to achieve a common goal while providing for individual recognition and reward (See Klipstein, ¶ 12). Thus, in view of Klipstein, it would have been obvious to one of ordinary skill in the art to modify the research method described in Corrie, by providing various motivating factors for contributing a winning solution, wherein motivators include peer recognition, continued research funding, and profit (See Klipstein, ¶ 25), in order to promote researchers to share information with on another to achieve a common goal while providing for individual recognition and reward (See Klipstein, ¶ 12).

Claims 13-18, 23, and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Corrie in view of James Cook University Research Office “Applying for Research Grants”.

Regarding claim 13, Corrie discloses a method for assisting an author complete a writing project of a given length, the method comprising: instructing the author about: choosing a topic; researching the topic; writing a proposal; writing about the topic; depositing the writing project (See ¶ 99, 139-140); calculating a completion pace using a completion date specified by the author and the given length. See ¶ 84; 96; Fig 2I (See Milestones 152 that must be met by a due date). Corrie discloses all of the claimed subject matter with the exception of explicitly disclosing the claimed steps of providing instruction for: choosing an academic advisor; choosing an academic committee; and defending the writing project. However, James Cook University Research Office teaches a method for apply for research grants, wherein the applicant is instructed to: select various academic advisors, such as colleagues, to obtain feedback (See P. 4, last paragraph); nominating a suitable academic committee to assess the grant application (See P. 5, first paragraph); reminding the applicant to defend the written proposal by providing balanced arguments (See P. 7, last two bullets). Thus, in view of James Cook University

Research Office, it would have been obvious to one of ordinary skill in the art to modify the research writing instruction described in Corrie, by instructing a research applicant to select various academic advisors, such as colleagues, to obtain feedback on his/her proposal (See P. 4, last paragraph); nominating a suitable academic committee to assess the grant application (See P. 5, first paragraph); reminding the applicant to defend the written proposal by providing balanced arguments (See P. 7, last two bullets), and thereby improving the applicant's chance of being awarded a grant for the applicant's research proposal.

Regarding claim 14, Corrie discloses a method further comprising: calculating a budget for the writing project using expenses estimated 104 by the author. See ¶ 84, Fig. 2F.

Regarding claim 15, Corrie discloses a method further comprising: providing access to an online research resource. See ¶ 145.

Regarding claim 16, Corrie discloses a method further comprising: providing access to an online community. See ¶ 64.

Regarding claim 17, Corrie discloses a method wherein the online community comprises one of an online advisor See ¶ 140 or an email newsletter See ¶ 100.

Regarding claim 18, Corrie discloses a method wherein instructing the author about researching the topic further comprises: providing a research template (See ¶ 84) and providing research strategies. See ¶ 99, 139-140.

Regarding claim 36, Corrie discloses all of the claimed subject matter with the exception of explicitly disclosing the claimed steps of providing instruction for: choosing an academic advisor; choosing an academic committee; and defending the writing project. However, James Cook University Research Office teaches a method for apply for research grants, wherein the applicant is instructed to: select various academic advisors, such as colleagues, to obtain feedback (See P. 4, last paragraph);

nominating a suitable academic committee to assess the grant application (See P. 5, first paragraph); reminding the applicant to defend the written proposal by providing balanced arguments (See P. 7, last two bullets). Thus, in view of James Cook University Research Office, it would have been obvious to one of ordinary skill in the art to modify the research writing instruction described in Corrie, by instructing a research applicant to select various academic advisors, such as colleagues, to obtain feedback on his/her proposal (See P. 4, last paragraph); nominating a suitable academic committee to assess the grant application (See P. 5, first paragraph); reminding the applicant to defend the written proposal by providing balanced arguments (See P. 7, last two bullets), and thereby improving the applicant's chance of being awarded a grant for the applicant's research proposal.

Regarding claim 23, Corrie discloses all of the claimed subject matter with the exception of explicitly disclosing the feature of measuring a completion pace by the number of chapters. However, James Cook University Research Office teaches a method for applying for a research grant, wherein a proposal includes a Gantt chart, which is provided to break up the research into components of two to three months duration, in order to provide a clear concise timetable (See P. 8, timetable). It is not explicitly stated that the various research components are presented as chapters. However, the examiner takes official notice that it is old and well known to associate various topics of writing with corresponding chapters, in order to organize various topics into distinct divisions. Thus, in view of James Cook University Research Office and official notice, it would have been obvious to one of ordinary skill in the art to modify the timeline for completion described in Corrie, by providing a Gantt chart representing various chapters/components of research, in order to provide a clear concise timetable of tasks to be completed in a specific order.

Response to Arguments

Applicant's arguments with respect to claims 1-45 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CAMERON SAADAT whose telephone number is (571)272-4443. The examiner can normally be reached on M-F 9:00 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Xuan M. Thai can be reached on (571) 272-7147. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Cameron Saadat/
Primary Examiner, Art Unit 3715